

## REMARKS

Claims 12-16 are now in this case.

Claims 12 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,736,921 to Zane et al. Claim 12 as amended recites, "...the railing tubular member having a central axis and a generally rectangular cross-section," and "... each strut tubular member having a central axis and a generally rectangular cross-section." This establishes an axial direction for reference, and that the tube which cooperates with the bracket is rectangular. In contrast, Zane shows a circular tube member cooperating with the clamp.

Claim 12 as amended recites, "...the left and right side plates being generally flat," and "the transverse plate being generally flat." These flat surfaces are necessary to secure a rectangular tube. In contradistinction, Zane depicts circularly curved side plates and a circularly curved transverse plate, to clamp a circular tube.

Claim 12 as amended recites, "...the left plate inner surface, the right plate inner surface, the transverse plate, and the left and right ridges defining a generally rectangular cross-sectional cavity." This rectangular cavity is to secure a rectangular tube, and is contrary to the circular cavity of Zane. Claim 12 as amended further recites, "...for allowing the bimini bracket to slide in an axial direction along the tubular member between the left and right side plates, and between the transverse plate and the left and right ridges, while preventing the bimini bracket from rotating about the central axis." This functional statement explains why the cavity must be rectangular, and not circular like that of Zane.

Claim 12 as amended recites, "...the left and right ridges being parallel to the central axis, the left and right ridges extending from adjacent the front edge to adjacent the rear edge." In contrast, the ridges 90 and 96 of Zane are perpendicular to the central axis, and extend from the first end inward, not from adjacent the front edge. Applicant feels that claim 12, as amended, distinguishes patentably from Zane 921, and thus satisfies 35 U.S.C. 102(b). Applicant therefore respectfully requests that the rejection be withdrawn. Claim 13 is dependent from claim 12, and includes all the limitations of claim 12. Claim 13 is therefore felt to distinguish from the reference in the same manner. Applicant therefore respectfully requests that the rejection be withdrawn. Support for this recitation can be found in FIGS. 1, 2, and 4.

Claims 14 and 15 were objected to as being dependent upon a rejected base claim. Claims 14 and 15 include all of the limitations of claims 12 and 13, and are therefore felt to distinguish from the reference for the same reasons. Applicant therefore respectfully requests that the objection be withdrawn.

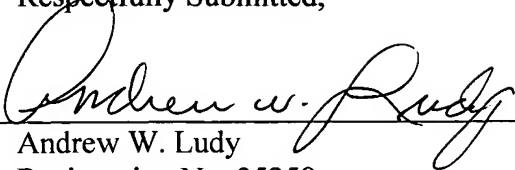
Claim 16 is allowed.

No additional fees are due. No new matter has been added.

On the basis of the above amendments and remarks, reconsideration and allowance of the application are believed to be warranted. Such action is therefore respectfully requested.

17 Sherwood Way  
Landing, NJ 07850  
973-398-7027 (Office)  
973-580-4997 (Mobile)  
815-366-9782 (Fax)

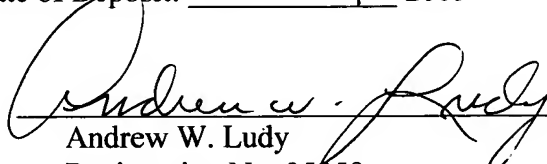
Respectfully Submitted,

  
Andrew W. Ludy  
Registration No. 35259

### CERTIFICATE OF MAILING

I hereby certify that this correspondence, and attachments, if any, will be deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Mail Stop Non-Fee Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450", on the date indicated below.

Date of Deposit: 25 JULY 2005

  
Andrew W. Ludy  
Registration No. 35259